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March 15, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

SACRAMENTO UPDATE

Assembly Joint Hearing on Prison Population

On Tuesday, March 6, 2007, a joint hearing of the Assembly Public Safety and Assembly Budget Subcommittee #4 was held to discuss prison overcrowding. Testimony was heard from the Legislative Analyst's Office (LAO), Department of Corrections and Rehabilitation (CDCR), California State Sheriffs' Association (CSSA), and county representatives.

The LAO stated that the Governor's proposal was balanced as it attempted to consider both capacity and reform aspects of overcrowding. The LAO recognized the possibility that a population cap would be imposed by one of the Federal courts if the State does not present a reasonable plan for reducing the prison population. The Governor's proposal includes an increase of approximately 60,000 beds to house State prisoners. The LAO indicated that this would result in a surplus of 32,000 beds and recommended a reduced building program. In addition, the LAO testified that there would be a surplus of medium level security beds and a shortage of maximum security beds.

The LAO recommended that the Legislature deny the proposal to transfer persons with a sentence of less than three years to local jail facilities. In its place, the LAO suggested reducing a number of felonies to misdemeanor status. This would reduce the prison population by 24,500. The Governor also proposed to issue local bonds to build 45,000 new beds in counties, with 50 percent to be allocated to State inmates on contract while the remainder could be used for County inmates. After some discussion, it was determined that the need for additional beds should be evaluated on a county-by-county basis.

The CDCR outlined the current status of the 171,000 inmates under State level detention. This includes approximately 17,000 inmates housed in make-shift bed locations such as gymnasiums and hallways. The Administration was concerned about the consequences of the State's failure to provide a population relief plan that would be acceptable to the Federal courts, which could result in the early release of inmates or a refusal to accept additional inmates from counties.

A representative from the CSSA presented information on the status of jail capacity in various counties. Currently, 20 county jails are under court ordered population limits. Another 12 counties have self-imposed population limits. Between 2005 and 2006, 233,000 County inmates were released early. Within that context, CSSA agrees with the Governor on the need for additional jail capacity by counties. The Sheriffs propose the use of bonds to build 36,000 additional beds at the local level with 50 percent of the beds to be allocated to the housing of State inmates. While this proposal should address the capacity needs of counties, the Sheriffs still have concerns about the operational aspects of the transfer of approximately 20,000 inmates from State to local custody, including how the ongoing staffing and program costs will be funded.

Representatives from Sacramento and Yolo stated that both counties currently have overcrowded jail facilities and are in the process of increasing capacity to meet their needs. Both expressed concern that it was unlikely that they could increase capacity to house previous State inmates by July 2008 as proposed by the Governor. In addition, decelerating revenue growth would make any county matching requirements, as proposed for the jail bonds, difficult to fund. Generally, county representatives indicated that they would be willing to work with the Administration on the plan to transfer State convicts to local custody. However, they would like to actively participate in the discussions that develop the plan, rather than being informed of the status of the discussions. Another concern is whether the State would guarantee a stable, long-term funding source to reimburse counties for the additional costs incurred.

A representative of the California Correctional Peace Officers' Association (CCPOA) agreed with the Governor that the State prison system was overcrowded. With its

current population, there was no longer any room to operate any rehabilitative programs at the institutions, programs that were intended to address the needs of the inmates and reduce recidivism. CCPOA expressed concern about the assumption that double bunking inmates will allow the State to provide adequate levels of service to inmates because the facilities are designed to provide programming for inmates at the single bunk level of approximately 86,000 inmates. This would mean that the State would have to reduce the prison population by half to provide adequate levels of services to its inmates. This conclusion would place pressure on the State to transfer even more inmates to county custody. CCPOA also was concerned about the increased public safety risk presented by the Administration's plan either to reduce or eliminate parole for specified non-violent inmates released from prison, as one of the purposes of parole was to ensure that the parolees continued to receive programming and services necessary for lawful reintegration into society.

Mental Health Budget Hearing

Senate Budget Subcommittee No. 3 on Health and Human Services held a hearing on March 12, 2007, on a variety of mental health issues, including the Governor's proposal to eliminate \$54.9 million from the **Integrated Services for Homeless Mentally Ill Program AB 2034 (Steinberg) of 2000**. The Subcommittee voted 2 to 1 to place this item on a list of funding priorities pending the release of the Governor's May Revision. Numerous advocacy groups, including our Sacramento advocates, urged subcommittee members to reject the Governor's proposal and to restore the funding because this program has reduced the number of homeless mentally ill, as well as the number of mentally ill persons who might otherwise be housed in county jails.

Status of County-Advocacy Bills

County-opposed-unless-amended, AB 81 (Torrico), passed the Assembly Public Safety Committee on March 13, 2007, by a 7 to 0 vote. AB 81 would: (1) extend the timeframe to safely surrender a newborn from 72-hours to 30 days; (2) allow cities to designate fire departments as safe surrender sites as long as they have consulted with county boards of supervisors and child welfare agencies; and (3) provide \$5 million to conduct a statewide awareness campaign. Several County representatives urged the committee to reject the measure unless the 72-hour timeframe is maintained.

Upcoming Hearing of the Select Committee on Foster Care

The Assembly Select Committee on Foster Care, which is chaired by Assembly Majority Leader Karen Bass, and the California Blue Ribbon Commission on Children in Foster Care, will hold a special joint hearing on Thursday, March 22, 2007, from

1:30 p.m. to 4:30 p.m. in the State Capitol. The hearing will examine the role of the courts in foster care. Foster youth, parents and caregivers, including foster and adoptive parents and relatives, will provide testimony on their experiences in the court system and address ways to improve the outcomes for foster youth.

We will continue to keep you advised.

DEJ:GK
MAL:EW:MS:acn

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